

Application Number: 09/928,942

Docket Number: 10006708-1

REMARKS

Upon entry of this Response, claims 3-5, 7, 8, 11-13, 15, 16, 19-22, and 24-26 remain pending in the present application. Claims 3-5, 7, 11-13, 15, and 19-22 have been amended, and claims 25-26 have been added. Applicants request reconsideration of the pending claims in view of the following remarks.

Claim 3 as originally filed provides:

3. A method for maintaining a license repository, comprising:

maintaining a number of entities in the license repository in a server by maintaining a profile for each of the entities, the number entities including a number of licensors and a number of licensees, each of the profiles including point of contact for at least one of the entities in the license repository;

generating a number of licenses between respective pairs of the licensees and the licensors based upon an input from at least one of the licensees and the licensors, respectively;

maintaining the licenses in the license repository; and wherein the step of generating the number of licenses between respective pairs of the licensees and the licensors based upon the input from the at least one of the licensees and the licensors, further comprises:

generating a first one of the licenses based upon a unilateral input by a first one of the entities;

notifying a second one of the entities that is party to the first one of the licenses of the creation of the first one of the licenses, wherein the first one of the licenses is unconfirmed; and

receiving a confirmation status input from the second one of the entities indicating whether the first one of the licenses is confirmed.

With respect to claim 3, the Final Office Action states:

"Wyman further discloses: wherein the step of generating a number of licenses between respective pairs of the licensees and the licensors based upon the input from the at least one of the licensees and the licensors, further comprises: col. 11-12, lines 1-67.

Generating a first one of the licenses based upon the unilateral input by a first one of the entities; col. 11-12, lines 1-67.

Notifying a second one of the entities that is a party to the first one of the licenses of the creation of the first one of the licenses. Col. 11-12, lines 1-67." (Final Office Action, page 5)

Applicants respectfully disagree. Given the significant length of the cited portion of Wyman, the entire cited section of Wyman is not reproduced herein.

Application Number: 09/928,942

Docket Number: 10006708-1

However, of relevant consideration within the entire cited passage, Wyman states the following:

"In operation of the distributed system of FIG.1, the producer 28 gives the issuer 25 authority to grant licenses on its behalf (the producer and issuer can be a single entity or multiple entities). The license document generator program, under control of a user (a person), generates a license (*usually the result of negotiation between the user of program 26 and the user of the server 10*). This license is called a product use authorization, and it is transmitted by the link 30 to the server 10." (Wyman, column 11, lines 3-12). (Emphasis Added)

As stated above, the generation of the license is the result of oral negotiations between the user of a program 26 and the user of the server 10. ***Such negotiations are not facilitated by the system described by Wyman.*** In this respect, both the licensee and licensor negotiate for the terms of the license in a separate context. Once the license is determined, then the licensed server of Wyman is executed to assure compliance therewith.

Nowhere in the above cited excerpt, nor in any other portion of Wyman is it discussed that a license is generated based upon the unilateral input of a licensee or a licensor, nor does Wyman show or suggest notification of a second one of the entities that is a party to the newly created license of the creation of the license itself. There is no need to send notification from the second one of the entities of the creation of the license. The license has been negotiated, presumably orally, before the system of Wyman is employed for assure compliance therewith. In this respect, Wyman teaches away from the subject matter of claim 3.

In addition, Wyman fails to show or suggest the element of receiving a confirmation status input from the second one of the entities indicating whether the first one of the licenses is confirmed. This is because the license is confirmed by virtue of the negotiations by the parties.

In this respect, Wyman describes a system that is labor intensive in that it requires licenses to be individually negotiated and then the system is executed to insure compliance with the license. In contrast, the invention as set forth in claim 3 provides for automated and unilateral creation of licenses with the ability of licensors to confirm or deny a potential license initially created by a licensee. In this respect, labor intensive negotiations are avoided.

Application Number: 09/928,942

Docket Number: 10006708-1

Accordingly, Applicants assert that the cited combination of references fails to show or suggest the elements of claim 3 as amended. In addition, Applicants assert that the cited combination of references fails to show or suggest each of the elements of claims 11 and 19 as amended to the extent that they include subject matter similar in scope with that of claim 3. Accordingly, for the above additional reasons, Applicants request that the rejection of claims 3, 11, and 19 as amended be withdrawn.

In addition, claims 4, 5, 7, 12, 13, 15, 20, 21, and 22 have been amended so as to depend from claims 3, 11, or 19. Accordingly, Applicants request that the rejection of claims 4, 5, 7, 8, 12, 13, 15, 16, 20, 21, 22, and 24 be withdrawn as ultimately depending from claims 3, 11, or 19 as amended.

Also, claims 25 and 26 have been added to claim further embodiments of the present invention. Applicants request favorable action with respect to claims 25 and 26.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,



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